

**IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

International Application No. : PCT/EP2004/008174  
International Filing Date : JULY 22, 2004  
U.S. Serial No. : 10/568,526  
Deposit Date U.S. Nat'l Phase : February 17, 2006  
Priority Date(s) Claimed : August 21, 2003  
Applicant(s) : Nikolai (Mykola) IGNATYEV et al.  
Title: CYANOBORATE, FLUOROALKYLPHOSPHATE, FLUOROALKYLBORATE OR IMIDE DYES

**RESPONSE TO NOTICE TO COMPLY  
UNDER 35 U.S.C. § 371  
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 11213-1450

Sir:

In response to the Notice to Comply dated May 20, 2008:

- Attached is a Declaration and Power of Attorney in compliance with 37 CFR § 1.53 along with the late filing surcharge of .
- Applicant(s) include an executed assignment and Recordation Form Cover Sheet with the recordation fee of \$40.00 (Check No. ).
- Attached is a copy of the Notification of Missing Requirements.
- Applicant(s) request that the time for taking action in this case be extended pursuant to 37 CFR 1.136(a) for a period of one/two/three/four/five month(s) along with the fee of .
- Applicant(s) are entitled to small entity status.
- Attached is a verified English translation of the PCT publication along with the fee of \$130.00.
- Attached is a Preliminary Amendment.
- Applicant(s) include the extra claims fee of \$        for        claims in excess of 20        per additional claim, for        independent claims in excess of 3        per additional claim, and/or        for multiple dependent claims.

- Applicant believes no sequence listing is required. The application deals with the synthesis of dyes as salts which are electrochemically stable. Application does not contain nucleotide and/or amino acids.
- Attached is an Application Data Sheet (ADS).
- Attached are the substitute drawings as required.

Applicant believes no fees are required. However, the Commissioner is hereby authorized to charge fees under 37 CFR § 1.16 and § 1.17 which may be required to facilitate this filing, or credit any overpayment to Deposit Account #13-3402.

Respectfully submitted,

/Anthony J. Zelano/

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Anthony J. Zelano  
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Attorney Docket No.: MERCK-3134

Date: July 21, 2008